



Montgomery County Commission on People with Disabilities Testimony
Before the Montgomery County Council Supporting Bill 46-09
Mark Maxin, Chair,
January 12, 2010

Good evening, my name is Mark Maxin and I am Chair of the Commission on People with Disabilities. The Commission very much appreciates the desire, vision and courage of the Council to address the critical issue of unemployment of individuals with disabilities that has been an ongoing problem for our County and the nation.

- The Commission strongly supports the County's proposed hiring preference for individuals with targeted disabilities and hopes that the County will mirror the federal government in its definition of disability and certification requirements.
- Such a preference would only apply to individuals with disabilities who the Division of Rehabilitation Services certifies and who meet the definition of 5 C.F.R. 213.3102(u) (1), and who are qualified for the position. Further, this preference will only apply for individuals who apply for a position and after competition, are deemed to be amongst the highest qualified applicants.
- This hiring preference would also apply to disabled war veterans who are certified by the Veterans Administration as having a disability rating of 30% or more.
- This preference would apply to certified applicants for all positions advertised by the County including the wide range of technical and professional positions.
- The Commission agrees that such a hiring preference would not violate the law. Disability is not a suspect or quasi-suspect class and requires only a rational basis for instituting such a hiring preference.
- The rational basis for such a hiring preference for individuals with targeted disabilities is multifaceted and clear.
- **The unemployment rate** of individuals with disabilities is disproportionately high.
 - In Montgomery County, of the 40,000 individuals with disabilities who could work, 43% are unemployed and 31% of working age adults (ages 18-64) with disabilities report that they are unemployed.
 - Councilman Andrews recently reflected that the unemployment and underemployment rate of individuals with disabilities was as high as 70%
- People with disabilities are **disproportionately poor**.
 - Among all adults in our country age 21+, people with disabilities are almost 3 times more likely to be below the Federal Poverty Level (11.4% vs. 3.6%) - The U.S. Census Bureau 2006 American Community Survey.
- The **participation rate** of individuals with disabilities employed in the Montgomery County government is exceptionally low. In the Federal government the participation rate is .94% (less than 1%). In the County, the participation rate is so low they do not even have statistics to measure it.
- Individuals with disabilities face **discrimination** on a daily basis. They are often perceived to be unable to perform when; with or without reasonable accommodations they can do an outstanding job.
 - Exposure to people with disabilities helps to undue the myths, fears and stereotypes that, according to the Supreme Court in Arline v. Nassau County Board of Education, 480 U.S. 273 (1987) can be far more limiting than the underlying medical condition itself.
 - Individuals with disabilities are an **important and untapped resource**.

Thank you for your consideration of this important civil rights/employment law.